

**BUFFALO COUNTY BOARD OF SUPERVISORS  
BUFFALO COUNTY BOARD OF EQUALIZATION  
TUESDAY, MAY 13, 2014  
9:00 A.M**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, May 13, 2014 at 9:00 and 10:15 A.M. Chairman McMullen called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Francis Biehl, Joseph Brayton, Kent Greder, Ivan Klein, Sherry Morrow, Dennis Reiter and William McMullen. A copy of the acknowledgment and receipt of notice and agenda by the Board of Supervisors is attached to these minutes. Chairman McMullen announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review. County Clerk Janice Giffin took all proceedings hereinafter shown; while the convened meeting was open to the public. County Attorney Shawn Eatherton was present.

**REGULAR AGENDA**

Moved by Brayton and seconded by Klein to approve the April 22, 2014 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Biehl, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Reiter to accept the Clerk of the District Court April 2014 Report and the County Treasurer April 2014 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Reiter, Biehl, Brayton, Greder, Klein, and McMullen. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Morrow to approve the early claim submitted by the County Clerk as listed below. Upon roll call vote, the following Board members voted "Aye": Brayton, Morrow, Biehl, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

<b>GENERAL FUND</b>		
ICON POLY	DEPOSIT	1,147.50

Moved by Klein and seconded by Biehl to approve the early payroll claim submitted by the County Clerk as listed below. Upon roll call vote, the following Board members voted "Aye": Klein, Biehl, Brayton, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

<b>ROAD FUND</b>	
NET PAYROLL	1,993.11

**COURTHOUSE RENOVATIONS**

Project Manager Steve Gaasch from Beckenhauer Construction was present to update the Board on the Phases 4-7 Courthouse Renovation Project.

Moved by Morrow and seconded by Brayton to approve the following Change Order requests of the Phase 4-7 Courthouse Renovation Project: Change Order request #63 in the amount of \$39,281.00 to add electric strikes and card readers to nine (9) doors; #65 in the amount of \$45,647.00 for a new entrance vestibule; #66 in the amount of \$1,193.00 to provide electrical power to Platform Lift, #67 add to Contingency Fund \$100,000.00 unused general condition funds, #68 in the amount of \$4,700.00 for installing sign letters at the north and south entrances to HHS, #69 in the amount of \$8,188.00 for replacing sewer pipes and #70 add to Contingency Fund \$567.00 credit labor from flooring not installed. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton, Biehl, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

**REGULAR AGENDA**

Chairman McMullen called on each Board member present for committee reports and recommendations.

Moved by Brayton and seconded by Biehl to set an auction date of June 14, 2014 at 9:00 A.M. for the sale of Buffalo County owned surplus property. Sale will be held at the Extension Building and the building will open to the public at 8:00 A.M. Upon roll call vote, the following Board members voted "Aye": Brayton, Biehl, Greder, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Bob Charlesworth, Health Insurance Consultant with Charlesworth Benefits was present to discuss employee health insurance plans for the fiscal year July 2014 through June 2015. Moved by Greder and seconded by Biehl to approve the recommendation from Charlesworth to stay with Blue Cross Blue Shield to be administered through NACO. The contract will come back to this Board for final approval. Upon roll call vote, the following Board members voted "Aye": Greder, Biehl, Brayton, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Highway Superintendent Ron Sklenar and Assistant Highway Superintendent John Maul were present for the following Agenda items.

Chairman McMullen opened the public hearing at 10:10 A.M. for vacation of the public road within the East Half Sections of 9, 16, 21, and 28, Township 9 North, Range 17 West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska. Deputy County Attorneys Andrew Hoffmeister and Kari Fisk were also present. Those present in favor of closing the public road were Kent Hubbbert, Don Sullwold, Roger Wolford and Trace Turecek. John and Clarice Boston addressed the Board opposing the closing of a portion of that road. The Highway Superintendent report indicates that he is in favor of the road vacation. Chairman McMullen closed the public hearing at 10:50 A.M. A decision will be made at the May 27<sup>th</sup>, 2014 Board meeting.

Moved by Klein and seconded by Reiter to accept the bids for steel from: Husker Steel for bearing pile for the total bid of \$97,570.00; Midwest Service and Sales for channel for \$11,272.00; W6 beams for \$8,097.60 and angle iron for \$4,345.60 with their total \$23,715.20 and Oden Enterprises for sheet piling and sheet piling corners for a bid of \$93,932.40. (Supervisor Greder left the meeting at 10:50 A.M.) Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Biehl, Brayton, Morrow and McMullen. Absent: Greder. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Brayton to accept the bid of Husker Steel for precast concrete slabs to be used for project numbers C10(580), C10(206) and C10(545) for total bid price of \$265,980.00. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Biehl, Morrow, Reiter and McMullen. Absent: Greder. None voted "Nay". Motion declared carried.

Road Chairman Klein instructed County Clerk Giffin to open and read aloud the submitted bids for (2) 2014 or 2015 ½ Ton Pickups from Killion Motors Inc. and Gene Steffy Chrysler Jeep Dodge Ram. Bids submitted for (1) 2014 or 2015 ¾ ton Pickup from Killion Motors Inc. and Gene Steffy Chrysler Jeep Dodge Ram. Highway Superintendent Ron Sklenar and Assistant Highway Superintendent John Maul will review the bids and come back to the Board during this meeting with their recommendations.

Moved by Klein and seconded by Brayton to recess the regular meeting of the Board of Supervisors at 10:56 A.M. and reconvene as a Board of Equalization. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

### **BOARD OF EQUALIZATION**

Chairman McMullen called the Board of Equalization to order in open session. County Assessor Joe Barber, Deputy County Assessor Nora Borer and County Treasurer Jean Sidwell were present.

Moved by Morrow and seconded by Brayton to approve tax list corrections numbered 3962 through 3971 as submitted by County Assessor Barber. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton, Biehl, Klein, Reiter and McMullen. Absent: Greder. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Klein to approve the Valuation Changes submitted by County Assessor Barber for the following list of properties and assigned parcel numbers that were read into the record and occurred after the abstract was sent to the State of Nebraska. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Biehl, Morrow, Reiter and McMullen. Absent: Greder. None voted "Nay". Motion declared carried.

<u>Name</u>	<u>Parcel</u>		<u>Name</u>	<u>Parcel</u>
Allen E & Sandra K Kelley	100212000		Arthur L & Birdean A Vogt, Trustees	020104000
Rasmussen Drywall & Construction Inc	120218005		Village of Shelton	680509000
Allen E & Sandra K Kelley	100214010		Cyndy L Forbes	601118002
Shawn E & Amanda L King	620138000		Rhonda L Nichols	601118003

Moved by Brayton and seconded by Reiter to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Sinsinawa Dominicans Inc. on a 2011 Honda Civic. Upon roll call vote, the following Board members voted "Aye": Brayton, Reiter, Biehl, Klein, Morrow and McMullen. Absent: Greder. None voted "Nay". Motion declared carried.

Moved by Biehl and seconded by Reiter to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for St Lukes Good Samaritan Village on a 2014 Buck Dandy Flatbed Trailer and a 2014 Braun Wagon. Upon roll call vote, the following Board members voted "Aye": Biehl, Reiter, Brayton, Klein, Morrow and McMullen. Absent: Greder. None voted "Nay". Motion declared carried.

Supervisor Greder returned to the meeting at 11:01 A.M.

Moved by Morrow and seconded by Klein to adjourn the Board of Equalization at 11:03 A.M. Upon roll call vote, the following Board members voted "Aye: Morrow, Klein, Biehl, Brayton, Greder, Reiter and McMullen. None voted "Nay". Motion declared carried.

Two Rivers Public Health Department Director Terry Krohn and Emergency Response Coordinator/Assistant Director Amy Elwood were present to review and file the following reports: 2013 Annual Report of the Nebraska Health Care Funding, 2013 Annual Report Highlights, County Health Rankings and Roadmaps and a spreadsheet of the 2002-2013 Revenue compilation.

Buffalo County CASA (Court Appointed Special Advocate) Director Christina McIntire and volunteer Katie Bean were present to give updated reports to the Board. McIntire sent a written report to the Board prior to this meeting.

### **ZONING**

Chairman McMullen opened the zoning hearings at 11:34 A.M. Deputy County Attorney Andrew Hoffmeister, Deputy County Attorney Kari Fisk and Zoning Administrator LeAnn Klein were present. Sara Rector on behalf of Winfield Solutions LLC submitted a request for a change of zoning from Agricultural to Industrial. John Roth, representing Winfield Solutions, LLC, reviewed the request and explained that Winfield Solutions LLC is a division of Land O Lakes and that they are connected with All Points Cooperative. Chairman McMullen closed the public hearing at 11:37 A.M. Moved by Brayton and seconded by Reiter to approve the Zoning Map Amendment change of zoning application with the following Resolution 2014-24. Upon roll call vote, the following Board members voted “Aye”: Brayton, Reiter, Biehl, Greder, Klein, Morrow, and McMullen. None voted “Nay”. Motion declared carried.

### **RESOLUTION 2014-24**

WHEREAS, Winfield Solutions, LLC has applied for a zoning map amendment with the Buffalo County Zoning Administrator requesting that the following described real property, to-wit:

“A tract of land being part of Government Lot 1 and part of the Northwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest corner of the Southwest Quarter of said Section 26 and assuming the West line of said Southwest Quarter as bearing South and all bearings contained herein are relative thereto; thence South of the Union Pacific Railroad; thence N73°13’15”E on the aforesaid right-of-way line a distance of 447.03 feet to the Actual Place of Beginning; thence continuing N73°13’15”E on the aforesaid course a distance of 539.99 feet; thence North parallel with the West line of said Southwest Quarter a distance of 675.06 feet; thence West a distance of 517.0 feet; thence South parallel with the aforesaid West line a distance of 830.95 feet to the place of beginning. Address of the property is 7980 E. Highway 30, Kearney, NE 68847”hereinafter referred to as the “subject property” be changed from the Agricultural “AG” District to the Industrial “I” District on Buffalo County’s Official Zoning District Map, and

WHEREAS, this is solely a zoning map amendment request and the subject property would or could have other land use regulations that would apply to it above and beyond the zoning map amendment sought at this meeting, and

WHEREAS, on May 1, 2014, the Buffalo County Planning and Zoning Commission following public hearing with notice as required, recommended approval of such proposed change in zoning on a 5-0 vote, and

WHEREAS, on May 13, 2014, this Board conducted a public hearing and considered this Zoning Map Amendment, the minutes of the Planning and Zoning Commission considering this amendment, Buffalo County’s Zoning Regulations, and Comprehensive Plan, and finds:

- a. The subject property is located along Highway 30. The adjacent properties to the east and west are already zoned Industrial.
- b. This amendment is consistent with the growth and development of Buffalo County and the overall Comprehensive Plan as adopted and implemented by Buffalo County, Nebraska, and
- c. That no citizens appeared in opposition of this amendment.

WHEREAS, no protest(s) against such amendment have been filed with the Buffalo County Clerk within seven days of conclusion of public hearing of the Buffalo County Planning and Zoning Commission as allowed under Sec. 11.4, and

WHEREAS, the votes in favor of adoption of this resolution need only be by majority of members to this Board of Supervisors.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that application for zoning map amendment to change the subject property from the Agricultural “AG” District to the Industrial “I” District is approved.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be filed in the Register of Deed’s office against the subject property and any parcel situated partially or entirely within such legal description, and that the County Clerk shall make amendment to Buffalo County Zoning District Map originally adopted on or about September 10, 2002.

John Widdowson on behalf of Future Holdings LLC submitted a request for a change of zoning from Agricultural to Commercial. Located in part of the Southwest Quarter of Section 21, Township 9 North, Range 14 West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska lying northerly of the North right-of-way line of U.S. Highway No. 30. The Zoning Map Amendment request was withdrawn by John Widdowson prior to this meeting via email to the Zoning Administrator.

### **REGULAR AGENDA**

Highway Superintendent Ron Sklenar and Assistant Highway Superintendent John Maul returned to the meeting after reviewing the bids that were opened earlier in this meeting. No action was taken at this time.

Chairman McMullen called for Citizen's forum at 11:43 A.M. Lona Ferguson and Paul Stec with Colonial Life were present to address the Board about employee benefits.

Chairman McMullen asked if there was anything else to come before the Board at 12:12 P.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, May 27, 2014.